

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) AND 1.27 (c)) - SMALL BUSINESS CONCERN**

Docket No.
13282-1

Serial No.
09/858,190

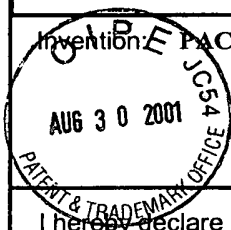
Filing Date
May 15, 2001

Patent No.
N/A

Issue Date
N/A

Applicant/ **Raymond Clarke**
Patentee:

Invention: **PACKAGING OF BANANAS**



I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: **Landec Corporation**

ADDRESS OF CONCERN: **3603 Haven Avenue, Menlo Park, CA 94025**

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.
☐ each such person, concern or organization is listed below.

FULL NAME

ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME

ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME

ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME

ADDRESS

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

David Taft

TITLE OF PERSON SIGNING

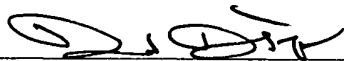
OTHER THAN OWNER:

Chief Operating Officer

ADDRESS OF PERSON SIGNING:

3603 Haven Avenue
Menlo Park, CA 94025

SIGNATURE:



DATE:

July 12, 2001



DECLARATION UTILITY APPLICATION

Attorney Docket No. 13282-1

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled PACKAGING OF BANANAS, the specification of which

CHECK ONE

- ☐ is attached hereto.
- ☒ was filed on May 15, 2001 as
Application Serial No. 09/858,190
and was amended on _____
(if applicable)

I have read the applicable statutes and rules reprinted on the attached page of this declaration which I understand to describe subject matter which is material under 37 C.F.R. § 1.56(a).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a). I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Application Number	Country	Date of Filing	Priority Yes ✓	Claimed No ✓

I hereby claim the benefit under Title 35, United States § 119(e) of any United States provisional application(s) listed below.

Application Number	Date of Filing

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application Number	Date of Filing	Status - Patented, Pending, or Abandoned
09/580,379	May 26, 2000	Pending

Send Correspondence to: SHELDON & MAK 225 South Lake Avenue, Suite 900 Pasadena, California 91101	Direct Telephone Calls to: <u>Jeffrey G. Sheldon, Esq.</u> (626) 796-4000
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201	FULL NAME FIRST Name OF INVENTOR Raymond	Middle Initial(s)	LAST Name Clarke	
	RESIDENCE & City CITIZENSHIP Los Altos	State or Foreign Country California		Country of Citizenship United States of America
	POST OFFICE Post Office Address ADDRESS 1394 Marinovich Way	City Los Altos	State or Country California	Zip Code 94024

202	FULL NAME FIRST Name OF INVENTOR	Middle Initial(s)	LAST Name	
	RESIDENCE & City CITIZENSHIP	State or Foreign Country		Country of Citizenship
	POST OFFICE Post Office Address ADDRESS	City	State or Country	Zip Code

203	FULL NAME FIRST Name OF INVENTOR	Middle Initial(s)	LAST Name	
	RESIDENCE & City CITIZENSHIP	State or Foreign Country		Country of Citizenship
	POST OFFICE Post Office Address ADDRESS	City	State or Country	Zip Code

204	FULL NAME FIRST Name OF INVENTOR	Middle Initial(s)	LAST Name	
	RESIDENCE & City CITIZENSHIP	State or Foreign Country		Country of Citizenship
	POST OFFICE Post Office Address ADDRESS	City	State or Country	Zip Code

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

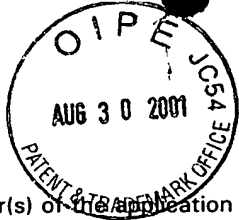
Signature of Inventor 201 <i>Raymond Clarke</i>
Date <i>August 20, 2001.</i>

Signature of Inventor 202
Date

Signature of Inventor 203
Date

Signature of Inventor 204
Date

(Signatures should conform to names as presented at 201 *et seq.* above.)



POWER OF ATTORNEY

SHELDON & MAK
DOCKET INFORMATION
13282-1

Landec Corporation, owner(s) of the application for United States Letters Patent for an improvement in **PACKAGING OF BANANAS**, by **Raymond Clarke** (inventor);

- ☐ executed on even date herewith or
☒ having Serial No. 09/858,190, filed May 15, 2001

do(es) hereby appoint as attorneys of record with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith; Jeffrey G. Sheldon, Reg. No. 27,953; Danton K. Mak, Reg. No. 31,695; Denton L. Anderson, Reg. No. 30,153; David A. Farah, Reg. No. 38,134; Stephen R. Seccombe, Reg. No. 31,136; Gary F. Wang, Reg. No. 44,392; Anthony G. Vella, Reg. No. 47,152; James W. Collett, Reg. No. 46,636; Robert J. Rose, Reg. No. 47,037; Timothy P. Richardson, Reg. No. 28,805;

Reg. No. _____

Send Correspondence to: **SHELDON & MAK**
225 South Lake Avenue, Suite 900
Pasadena, California 91101

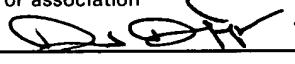
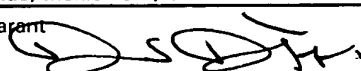
Direct Telephone Calls to:
Jeffrey G. Sheldon, Esq.
(626) 796-4000

I, the undersigned, declare that I am the (an) owner of the above-identified application or, if the owner is a corporation, partnership, or other association, I am authorized to make this appointment on behalf of the owner, and I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

2 0 1	Full Name of Individual Owner
	Post Office Address
	Signature of Owner Date

2 0 2	Full Name of Individual Owner
	Post Office Address
	Signature of Owner Date

2 0 3	Full Name of Individual Owner
	Post Office Address
	Signature of Owner Date

2 0 4	Full Name of Declarant If owner is corporation, partnership, or association
	David Taft, Landec Corporation 
	Title of Declarant
	Chief Operating Officer
	Address of Declarant 3603 Haven Avenue, Menlo Park, California 94025
	Signature of Declarant  July 12, 2001 Date